

PATENT

Attorney Docket No. FJN-063 (3999/66)

#5
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P.D.P.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Nakagawa et al.
SERIAL NO.: 09/051,670 GROUP NO.: 1643
FILING DATE: September 8, 1998 EXAMINER:
TITLE: NOVEL DNA AND PROCESS FOR PRODUCING PROTEINS BY
USING THE SAME

INFORMATION DISCLOSURE STATEMENT

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

DEC 08 1998

MATRIX CUSTOMER
SERVICE CENTER

Sir:

In accordance with the provisions of 37 C.F.R. §1.97, Applicants hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the references are enclosed. Also enclosed is a copy of each of the International Search Report and the Supplementary European Search Report, including an informal report citing references in the European Search Report.

REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **Filing Date** or before the mailing date of the **First Office Action** on the merits; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and
- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under Rule 1.17(p), namely **\$240.00**, is included herein, or ☐
- ☐ (3) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, **AND**
- ☐ Applicant hereby Petitions the Commissioner to accept and consider the attached Information Disclosure Statement, **AND**

- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee due under Rule 1.17(i)(I), namely **\$130.00** is included herein.

It is respectfully requested that each of the references shown on the attached Form PTO-1449 be made of record in this application.

STATEMENT

As required under §1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- ☐ 1. [E]ach item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application **not more than** three months prior to the filing date of the Information Disclosure Statement; or
- ☐ 2. [N]o item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any** individual designated in §1.56(c) **more than** three months prior to the filing of the Information Disclosure Statement.

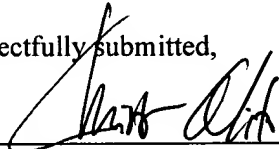
FEE AUTHORIZATION

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 20-0531. Any overpayments should be credited to said Deposit Account.

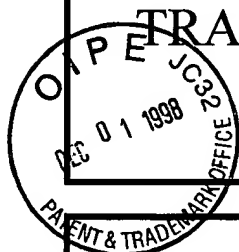
Date: 12-1-98
Reg. No. 39,061

Tel. No.: (617) 248-7368
Fax No.: (617) 248-7100

259CCV3999/66.689578-1

Respectfully submitted,


Christine C. Vito, Ph.D.
Attorney for Applicants
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125 High Street
Boston, Massachusetts 02110

TRANSMITTAL
FORM

| | |
|---------------------------|-------------------|
| Application Serial Number | 09/051,670 |
| Filing Date | September 8, 1998 |
| First Named Inventor | Nakagawa |
| Group Art Unit | 1643 |
| Examiner Name | |
| Attorney Docket No. | FJN-063 (3999/66) |

ENCLOSURES (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets -----] <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert to a Provisional Application <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input type="checkbox"/> After Allowance Communication to Group | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below) |
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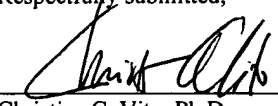
DEC 08 1998

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CORRESPONDENCE ADDRESS

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SIGNATURE BLOCK

Respectfully submitted,

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EUROPEAN PATENT REGISTER / EPIDOS
 AN: 96945279.6 PN: 0870023 IPC: C12N15/12

27/10/1998

PART I - REGISTER OF EUROPEAN PATENTS (R92 EPC)

PUBLICATION NUMBER : 0870023
 APPLICATION NUMBER : 96945279.6
 PUBLISHED : 03.07.1997/A1
 INTERNATIONAL SEARCH REPORT : 03.07.1997
 INTERNATIONAL APPLICATION NR. : US9620621
 INTERNAT. PUBL. NUMBER AND DATE : WO9723614 03.07.1997
 FILING DATE : 20.12.1996
 PRIORITY : 22.12.1995/ US 577788
 : 03.09.1996/ US 706945
 CLASSIFICATION : C12N15/12, C07K14/715, C12N5/10, A01K67/
 : 027, C07K19/00, C12N15/62, C07K16/28,
 : C07K1/107, C12Q1/68, G01N33/50, G01N33/
 : 566
 DESIGNATION : AT BE CH DE DK ES FI FR GB GR IE IT LI
 : LU MC NL PT SE
 TITLE : OSTEOPROTEGERIN
 APPLICANT : FOR : ALL DESIGNATED STATES
 : AMGEN INC.
 : AMGEN CENTER, 1840 DEHAVILLAND DRIVE
 : THOUSAND OAKS, CA 91320-1789/US
 INVENTOR : BOYLE, WILLIAM, J./11678 CHESTNUT RIDGE
 : STREET/MOORPARK, CA 93021/US
 : LACEY, DAVID, L./614 PASEO VISTA/
 : THOUSAND OAKS, CA 91360/US
 : CALZONE, FRANK, J./841 RIM CREST CIRCLE/
 : WESTLAKE VILLAGE, CA 91362/US
 : CHANG, MING-SHI/736 CALLE LAS COLINAS/
 : NEWBURY PARK, CA 91320/US
 REPRESENTATIVE : BROWN, JOHN DAVID, ET AL
 : FORRESTER & BOEHMERT FRANZ-JOSEPH-
 : STRASSE 38
 : 80801 MUNCHEN/DE
 REQUEST FOR EXAMINATION : 12.08.1997

PART II - INFORMATION REGISTER (EPIDOS)

THIS APPLICATION IS BEING TREATED IN (/FAX-NR): MUNICH /(+49-89) 23994465
 THE PROCEDURE LANGUAGE IS (DE/EN/FR) : EN
 PCT - CHAPTER II
 REQUEST FOR PRELIMINARY EXAMINATION FILED: 21.07.1997

CHAPTER - EXTENSION OF THE PATENT

COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : AL/12.08.1997/00.00.0000
 COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : LT/12.08.1997/00.00.0000
 COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : LV/12.08.1997/00.00.0000
 COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : RO/12.08.1997/00.00.0000
 COUNTRY-CODE / DATE PAYMENT / DATE WITHDRAWAL : SI/12.08.1997/00.00.0000

CHAPTER - CITED DOCUMENTS

THIS CHAPTER SHOWS THE ACTUAL SITUATION OF THE CITED DOCUMENTS.
 NO OBLIGATION IS TAKEN FOR THE COMPLETENESS OF ALL THE CASES.

** CITED IN THE EUROPEAN SEARCH **

A :US A 5 447 851

AD :US A 4 179 337

** CITED IN THE EUROPEAN SEARCH **

AD :CELL, VOL. 76, 25 MARCH 1994, PAGES 959-962, XP002029050 SMITH C.A. ET AL.:
 "THE TNF RECEPTOR SUPERFAMILY OF CELLULAR AND VIRAL PROTEINS: ACTIVATION,
 COSTIMULATION AND DEATH." CITED IN THE APPLICATION

A :PROC.NATL.ACAD.SCI.USA, VOL. 88, 1991, PAGES 2830-2834, XP002029051 LEWIS

M. ET AL.: "CLONING AND EXPRESSION OF CDNAS FOR TWO DISTINCT MURINE TUMOR
NECROSIS FACTOR RECEPTORS DEMONSTRATE ONE RECEPTOR IS SPECIES SPECIFIC."
AD :SCIENCE, VOL. 252, 1991, PAGES 1651-1656, XP000645049 ADAMS M.D.:
"COMPLEMENTARY DNA SEQUENCING:EXPRESSED SEQUENCE TAGS AND HUMAN GENOME
PROJECT." CITED IN THE APPLICATION
** END OF DATA **